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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,364	02/04/2002	Saul R. Dooley	GB 010016	7419
24737	7590	10/21/2003	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			ISSING, GREGORY C	
			ART UNIT	PAPER NUMBER
			3662	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,364

Applicant(s)

DOOLEY ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 10, 11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-5, 8, 9, 12-14, and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 August 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 6, 7, 10, 11, and 14-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Underbrink.
3. Underbrink discloses a satellite acquisition and measurement system wherein after a first GPS signal is acquired from measurements of a satellite signal, subsequent signal acquisitions are made on the basis of information obtained with regard to the first signal. The information obtained includes predictions regarding the expected frequency for the next acquisition based on the previously acquired frequency and the known or estimated maximum changes that can occur due to Doppler and other frequency altering effects. The predictions are based on statistical probability that the received signal frequency is within a certain range of frequencies based on the previously acquired satellite signals. Each subsequent acquisition time is thereby reduced such that the acquisition time is “minimized” and made “as quickly as possible”. The alterations in frequency are due to Doppler effects and imprecision in receiver electronics, including clock uncertainties.
4. The applicants argue that the claims require the use of information “relating to variations in the frequency of a first acquired GPS signal” to acquire a second signal. Applicants argue that this is not the same as using the frequency itself to resolve the local oscillator signal as allegedly taught by each of the references. This argument is not convincing since Underbrink teaches using the measured frequencies of the previous measurements as well as estimated or known maximum changes to narrow the range of frequency searching. The measured frequency of the previous signal and the estimated maximum changes thereof define a range of frequencies and

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meets the scope of “frequency information relating to variations in the frequency of the first acquired signal.” The applicants do not address/argue the amended claim language “in the course of a single dwell,” however, its addition to the independent claims apparently includes some indication of the apparent novelty thereof. The specification does not provide any specific limitation to the scope of “a single dwell” therefore any period of time during which the signal is measured/processed meets its scope. Additionally, Underbrink teaches acquiring the signals “as quickly as possible” and “minimizes the computational time,” thus, it is inherent that an acquisition of a subsequent satellite signal is made “in the course of a single dwell” which may be any definable period of time being short or long. The specification merely exemplifies a “single code instance or dwell” as comprising a time for correlation that may occur over a period of 10 ms or over a period of 100 ms, see page 2 or page 8 of the specification. Thus, the limitation added to the independent claims regarding dwell time are not novel.

5. Claims 3-5, 8, 9, 12, 13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Note: a typographical error was made in the previous Office Action in the indicated claims of paragraph 5. Claims 7 and 11 were mistakenly not rejected whereas claims 8 and 12 were rejected. It is apparent that the limitations of claims 7 and 11, and not claims 8 and 12, were meant to have been rejected, see col. 8, lines 27-36 of Underbrink, for example.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci
10/14/03